

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH A. ELLIOTT, SR.,	)
Plaintiff	)
	)
vs.	) Civil Action No. 06-447
	) Judge Joy Flowers Conti/
DARLENE LINDERMAN, Mail Room	) Magistrate Judge Amy Reynolds Hay
Supervisor; HARRY WILSON,	)
Superintendent; CAROL A. SCIRE,	)
Superintendent Assistant/Grievance	)
Coordinator; MARY ANN KUSHNER,	)
Administrative Officer; RAYMOND W.	)
DORIAN, Assistant Counsel; JEFFREY	)
A. BEARD, Secretary of the Department of	)
Corrections of Pennsylvania,	)
Defendants	)

**ORDER**

AND NOW, this 26th day of March, 2007, after the plaintiff, Joseph A. Elliott, Sr., filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint is dismissed for failure to prosecute;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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